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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/662,857  
Filing Date: September 15, 2003  
Appellant(s): EYER, MARK KENNETH

**MAILED**  
SEP 06 2007  
**GROUP 2600**

Jan Carol Little-Washington  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 9, 2007 appealing from the Office action mailed October 17, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,864,647	Harrington	9-1989
5,778,256	Darbee	7-1998
5,870,593	Prunier et al.	2-1999
6,111,677	Shintani et al.	8-2000
6,195,548 B1	Schultheiss	2-2001
6,728,600 B1	Contaldo et al.	4-2004
HAVi: Home Audio Video	Teririkangas of Helsinki	5-2001
Interoperability	University of Technology	

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6-7 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schultheiss (6,195,548).

Regarding claims 1 and 14, Schultheiss teaches a system, comprising:

a first device (Fig. 2, col. 7, lines 1 4-41, personal computer device 12) coupled to a transmission medium (Fig. 2, medium 70b);

a second device (Fig. 2, col. 7, lines 1 4-41, TV coupled interface 200) coupled to the transmission medium (Fig. 2, medium 70b); and

a remote control unit (Fig. 2, remote control 50' interface 200, rather than using personal computer 1 2 as an intermediary) for controlling the second device, the remote control unit to transmit a data code sequence (Fig. 2, col. 7, lines 1 4-41, data code sequence associated with command signal 74a),

the data code sequence recognized by the second device (Fig. 2, col. 7, lines 38-41, TV coupled to interface 200 recognizes command signal 74a, rather than using personal computer 12 as an intermediary),

the data code sequence for the purpose of controlling the second device (Fig. 2, col. 7, lines 38-41, remote control 50' directly controls TV coupled to interface 200, rather than using personal computer 1 2 as an intermediary),

the first device comprising circuitry to generate a representation of the data code sequence (Fig. 2, col. 7, lines 1 4-41, data code sequence associated with TV command signal 74a) if the data code sequence is not recognized by the first device (col. 7, lines 14-41, first device is not controlled by the TV command signal 74a is the evidence of the signal not recognized by the first device), and to transfer the representation of the data code sequence to the

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transmission medium (channel associated with television remote commands 70b) to control the second device (Fig. 2, TV device 40).

Regarding claim 2, Schultheiss teaches the system of claim 1, wherein the first device is coupled to broadcast (Fig. 2, remote -TV commands 70b is the evidence of command being broadcast toward interface 200) the representation of the data code sequence on the transmission medium.

Regarding claims 3-4, Schultheiss the system of claim 1, wherein the remote control unit is coupled to transmit the data code sequence on an infrared (IR) carrier (Fig. 1, IR channel 72), and the remote control unit is an infrared (IR) keyboard (col. 25-37, infrared keys 58 and 62).

Regarding claim 6, Schultheiss teaches the system of claim 1, wherein the representation of the data code sequence is measurement of data code sequence waveform (Fig. 2, waveform of remote TV command 70a is measured and converted to IR signal for the control of TV 40).

Regarding claim 7, Schultheiss teaches the system of claim 1, wherein the transmission medium is compatible with a wired or wireless protocol (Fig. 2, protocol is evidenced via communication between system 100 and system 200).

Regarding claim 15, Schultheiss teaches the method of claim 14, further comprising transferring the data code sequence on a modulated carrier (col. 5, lines 38-40, UHF carrier is

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modulated by video signal, and col.7, lines 14-24, likewise, UHF carrier is inherently present, and modulated by remote television command associated with command keys 58 and 62 or same as modulated UHF carrier 74b and 70b).

Regarding claim 16, Schultheiss teaches the method of claim 15, further comprising demodulating the modulated carrier (Fig. 2, TV commands 216 is same as demodulated from the modulated UHF carrier 70b).

Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrington (4,864,647).

Regarding claim 19, Harrington teaches a system, comprising:  
a first device (Fig. 1, device 5) coupled to a transmission medium (Figs. 3 and 4, wireless FM transmission medium between 5 and 4);

a second device (Fig. 1, device 4) coupled to the transmission medium;

a remote control unit (Fig. 1, IR transmitter 3) for controlling a third device (Fig. 1, IR controlled device 1),

the remote control unit to transmit a data code sequence,

the data code sequence (Figs. 1, code sequence 16 and 12) recognized by and for controlling the third device, the first device comprising circuitry (Fig. 3) to measure the data code sequence, to generate a representation of the data code sequence from measurements (Fig.

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3, FM transmitter), and to transfer (Fig. 3, transfer via antenna 14) the representation of the data code sequence to the transmission medium,

the second device comprising circuitry (Fig. 4) to translate (Fig. 4, demodulation associated with FM receiver 16) the representation of the data code sequence back to the data code sequence and to transfer (Fig. 4, transfer via emitter 18) the data code sequence to the third device to control the third device (Fig. 1 IR controlled device 1).

Regarding claim 20, Harrington teaches the system of claim 19, wherein the remote control unit is an infrared (IR) keyboard (Figs. 1-2, keyboard 24).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss in view of Darbee (5,778,256).

Regarding claim 5, Schultheiss is silent on the system of claim 4, wherein the remote control unit is personal digital assistant (PDA).

However, Darbee teaches, in the art of remote control system, the remote control unit is personal digital assistant (PDA) (col. 1, lines 11 -25, PDA and IR emitter) for the purpose of increasing operational utility. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the remote control unit is personal digital assistant (PDA) in the device of Schultheiss because Schultheiss suggests portable remote control with key board and Darbee teaches the remote control Unit is personal digital assistant (PDA) for the purpose of increasing operational utility.



Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss in view of Shintani et al. (6,111,677).

Regarding claim 8, Schultheiss teaches wireless communication medium 70b and 74a (Fig.2). But Schultheiss is silent on the system of claim 7, wherein the transmission medium is an IEEE 1394 Serial Bus.

However, Shintani teaches, in the art of communication system, the transmission medium is an IEEE 1394 Serial Bus (col. 2, lines 64 to col. 3, line 6, IEEE 1394 as well as rf, optical link) for the purpose of providing audio/video connection.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the transmission medium is an IEEE 1394 Serial Bus in the device of Schultheiss as evidenced by Shintani because such would provide necessary audio/video connection without unnecessarily losing connection at all times, thus increasing communication reliability.

Regarding claims 9-10, Schultheiss teaches wireless communication (Fig.2). But Schultheiss is silent on the system of claim 7, wherein the transmission medium is compatible with an Ethernet protocol and twisted pair.

However, Shintani teaches, in the art of communication system, the transmission medium is an IEEE 1394 Serial Bus, cable and nodes associated with network (col. 2, lines 64 to col. 3, line 6, IEEE 1394 as well as rf, optical link; col. 1, lines 19-29, cable associated with bus) for the

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purpose of providing connection for plural devices. Furthermore, one skilled in the art recognizes twisted cable is well known in cable medium and Ethernet protocol is compatible with addressable nodes associated with IEEE 1394 protocol.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include transmission medium is compatible with an Ethernet protocol and is twisted pair in the device of Schultheiss as evidenced by Shintani because such would provide necessary remote connection without unnecessarily losing connection at all times, thus increasing communication reliability.

Claims 11-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss, and further in view of Teirihangas (Helsinki University of Technology (HUT-5/15/01 (best estimation))).

Regarding claims 11, 13 and 18, Schultheiss is silent on the system of claims 1 and 14, wherein the first device is to include the representation of the data Code sequence in an audio-video control Function Control Protocol (A V/C FCP) packet (page 5, last paragraph; page 6, first three paragraphs) and to transmit the FCP packet having the representation of the data code sequence to the second device only (lines 2-3, page 6, peer-peer fashion is between the first device and the second device), and the first and second devices are audio/video devices. However, Teirihangas teaches, in the art of network system, the first device is to include the representation of the data code sequence in an audio-video control Function Control Protocol (A V/C FCP) packet (page 5, last paragraph; page 6, first three paragraphs) and to transmit the FCP

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packet having the representation of the data code sequence to the second device only (lines 2-3, page 6, peer-to-peer fashion is between the first device and the second device), and the first and second devices are audio/video devices (Fig. 1, page 1, two audio/video devices connected in peer-to-peer fashion) for the purpose of providing 1394 connectivity. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the first device is to include the representation of the data code sequence in an audio-video control Function Control Protocol (AV/CFCP) packet and to transmit the FCP packet having the representation of the data code sequence to the second device only and the first and second devices are audio/video devices in the device of Schultheiss as evidenced by Teirihangas because such would provide necessary connectivity without unnecessarily losing connection at all times, thus increasing communication reliability.

Regarding claims 12 and 17, Schultheiss is silent on the system of claims 1 and 14, wherein the first device is to include the representation of the data code sequence in a Function Control Protocol (FCP) packet and broadcast the FCP packet having the representation of the data code sequence on the transmission medium to all devices on the network.

However, Teirihangas teaches, in the art of network system, the first device is to include the representation of the data code sequence in a Function Control Protocol (FCP) packet (page 5, last paragraph; page 6, first three paragraphs) and broadcast the FCP packet having the representation of the data code sequence on the transmission medium to all devices (Fig. 11, transmitted signals broadcast or fill the whole FireWire with 1394 protocol) on the network for the purpose of providing 1394 connectivity. Therefore, it would have been obvious to a person

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skilled in the art at the time the invention was made to include the first device is to include the representation of the data code sequence in a Function Control Protocol (FCP) packet and broadcast the FCP packet having the representation of the data Code sequence on the transmission medium to all devices on the network in the device of Schultheiss as evidenced by Teirihangas because such would provide necessary connectivity without unnecessarily losing connection at all times, thus increasing communication reliability.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Teirihangas.

Regarding claim 21, Harrington is silent on the system of claim 20, wherein the first and third devices are audio/video devices.

However, Teirihangas teaches, in the art of network system, the first and third devices are audio/video (Fig. 1, page 1, the first and third devices are AV and second is camera) for the purpose of providing operation of multiple devices. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the first and third devices are audio/video in the device of Harrington because Harrington suggests the first and second devices are AV and Teirihangas teaches the first and third devices are audio/video for the purpose of providing 1 394 interoperable consumer products.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al. (6,111,677) in view of Prunier et al. (5,870,593).

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Regarding claim 22, Shintani teaches an apparatus, comprising:

optical receiver 122 (col. 3, lines 61-65, received optical command can be sampled at low sampling rate), buffer 124, and cable I/O interface 126 coupled to EE1394 bus medium (Fig. 1, col.2, line 2+). But Shintani is silent on optical receiver, demodulator and processor to sample the data code sequence and to generate a representative of the data code sequence from samples to be stored in the buffer.

However, one of ordinary skill in the art recognizes output of optical receiver, demodulator and processor, and output of optical receiver 122 (Fig. 1, 122) provide same data stream to the buffer 124, and therefore, optical receiver 122 is obvious combination of optical receiver, demodulator and processor.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include an optical receiver, demodulator and processor in the device of Shintani because one of ordinary skill in the art recognizes an optical receiver, demodulator and processor as one optical receiver module for the purpose of providing detailed communication module.

Furthermore, Prunier teaches, in the art of coding system, sampling the data code sequence and generating a representative of the data code sequence from samples to be stored in the buffer (Fig. 4, col. 4, lines 15-34, data code sequence S when timer 2 and the programming of divider 10 analyzes sample E wherein sample E is analogously associated with received optical pulse width) for the purpose of providing reliable data transmission.

Therefore, it would have been obvious to a person Skilled in the art at the time the invention was made to include sampling the data code sequence and generating a representative

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of the data code sequence from samples to be stored in the buffer in the device of Shintani as evidenced by Prunier because such would provide continuous data stream without unnecessarily losing data at all times, thus increasing communication reliability.

Regarding claim 23, Shintani teaches the processor is further to sample binary data bits in a message/command in the data code sequence (col. 3, lines 61-65, received optical command can be sampled at low sampling rate).

Regarding claim 24, Shintani teaches the demodulator is further to remove an amplitude modulated carrier having a frequency in a range of typically thirty kilohertz (kHz) to sixty kHz, or a narrower range (col. 4, lines 1.0-13, carrier frequency range of 40 KHz to 455 KHz) to recover the data code sequence.

Regarding claim 25, Shintani teaches the processor is further to generate the representation of the data code sequence (col. 2, lines 44-63, code sequence associated with serial data in conformity with the IEEE 1394 serial bus protocol).

But Shintani is silent on generating data code sequence in the form of a list of the samples.

However, Prunier teaches, in the art of coding system, generating data code sequence in the form of a list of the samples (Fig. 4, col. 4, lines 15-34, data code sequence S when timer 2 and the programming of divider 10 analyzes sample E wherein sample E is analogously

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associated with received optical pulse width) for the purpose of providing reliable data transmission.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include generating data code sequence in the form of a list of the samples in the device of Shintani as evidenced by Prunier because Shintani suggests generating the representation of the data code sequence and Prunier teaches generating data code sequence in the form of a list of the samples for the purpose of providing reliable data transmission.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view of Prunier as applied to claim 24 above, and further in view of Contaldo et al. (6,728,600).

Regarding claim 26, Shintani is silent on the apparatus of claim 24, wherein the I/O interface is further to insert a representation, of the data code sequence in an Internet protocol (IP) packet. However, Contaldo teaches, in the art of network system, an Internet protocol (IP) packet (col. 4, lines 52-63) for the purpose of providing Internet connectivity. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include an Internet protocol (IP) packet in the device of Shintani in view of Prunier as evidenced by Contaldo because such would provide necessary internet connectivity without unnecessarily limited source of database at all times, thus expanding source of database.

#### **(10) Response to Argument**

A. With respect to Claims 1-4, 6-7 and 14-16, the appellant argues, second paragraph, page 6, that the examiner has improperly characterized Schultheiss with regard to Claim 1.



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In response to appellant's arguments that the examiner has improperly characterized Schultheiss with regard to Claim 1. The claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). When a wireless remote control (50) transmits a TV command signal (74A) or a PC command signal (74b) to a personal computer (12), the personal computer (12) processed the received control signals and then transmitted only the TV command signal (70a) to a television (40) (column 7 lines 14 to 24; column 8 lines 10 to 27; see Figure 2). Clearly, the personal computer receives the both TV command signals and PC command signals, but the personal computer operate only on the PC command signal and processes and then transmits the TV command signal (70b) to a TV interface (200). Therefore, "if the data code sequence is not recognized by the first device" means the personal computer (12) processes and transmit the TV command signal to the TV interface if the command signal is not a PC command.

**B.** With respect to Claim 1, the appellant argues, first paragraph, page 7, that the examiner has improperly equated a single element to two distinctly claimed elements.

In response to appellant's arguments that the examiner has improperly characterized Schultheiss with regard to Claim 1. The claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). When a wireless remote control (50) transmits a TV command signal (74a) or a PC command signal (74b) to a personal computer (12), the personal computer (12) processed the received control signals and then transmitted only the TV command signal (70b) to a television (40) (column 7 lines 14 to 24; column 8 lines 10 to 27; see Figure 1). The personal computer (12) includes a



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converter to convert the received TV command signal into infrared TV remote control command signal to send to a TV interface (200) (column 2 lines 51 to 54; column 8 lines 42 to 52; see Figure 1). Clearly, the converter in the PC interface card 22 of the personal computer (12) converts the TV commands signal (74a) into the TV commands signal (70b) and the TV command signal (70b) is a representation of the TV command signal (74a). The claims recite that the first device transmits a representation of the data code sequence. The claims do not require that the representation be different than the data code sequence, so even if the signals 70b and 74a were considered to be the same, then signal 70b is a one to one representation of signal 74a and would read on the claimed invention. The applicant argues issues that are much narrower than the actual claims. The claims do not state that the representation be a different signal, but even if the claims would require the representation be different, then the PC and the TV interface could be considered the first device and then the representation signal 218 would be an IR signal that would be different than the UHF signal 74a.

C. With respect to Claim 1, the appellant argues, first paragraph, page 8, that Schultheiss does not teach the first device comprising circuitry to generate a representation of the data code sequence if the data code sequence is not recognized by the first device.

Same argument as above, the personal computer (12) includes a PC interface card (24). The PC interface card (24) includes a UHF transceiver (24) which receives the TV commands (74a) and a PC commands (74b) and then transmitted only the TV command signal (70a) to a television (40) (column 7 lines 14 to 24; column 8 lines 10 to 27; see Figure 2). Clearly, the personal computer is receives both TV command signals and PC command signals by the PC

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interface card (24), but the personal computer operates only to the PC command signal and processes and transmits a TV command signal (70b) to a TV interface (200). Therefore, “if the data code sequence is not recognized by the first device” means PC interface card (24) of the personal computer (12) processes and transmit the TV command signal to the TV interface if the command signal is not a PC command.

**D.** With respect to Claims 22-25, the appellant argues, second paragraph, page 12, that a mere statement to support a determination of obviousness of claim 22 is insufficient.

An optical receiver (122) includes plurality of components to demodulating the receiving optical signal from the remote control device (110) to generate a representation of the data code sequence to the buffer (124) (column 2 lines 44 to 63; see Figure 1). An optical receiver (122) includes a photodiode (210) to receive the emitted optical radiation and to generate a voltage in response to the amount of optical radiation received. An Automatic Brightness Level Control (ABLC) 212, a head amplifier 220, two gain resistors 222 and 224, a coupling capacitor 226, a limiter amplifier 230 and a coupling capacitor (232) limit the amplified voltage to within a specified range to avoid saturation. A bandpass filter (BPF) 240, a filter resistor 242, a detector/comparator 250, a capacitor 252, an integrator 260, a hysteresis comparator 270, and a matching resistor 272 process received optical signal to generate output representation of the received signal (column 3 lines 66 to column 4 line 7; see Figure 2). Clearly, the optical receiver of Shintani provides same data stream to the buffer 124. Therefore, one of ordinary skill in the art recognizes the with output of optical receiver, demodulator and processor would provide

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same data stream to the buffer 124 as the circuitry above, and therefore, optical receiver 122 of Shintani is obvious combination of optical receiver, demodulator and processor.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include an optical receiver, demodulator and processor in the device of Shintani because one of ordinary skill in the art recognizes an optical receiver, demodulator and processor as one optical receiver module for the purpose of providing detailed communication module.

E. With respect to Claims 22-25, the appellant argues, last paragraph, page 12, that Shintani in view of Prunier does not teach or fairly suggest each and every element of Claim 22.

Shintani discloses optical receiver 122 (col. 3, lines 61-65, received optical command can be sampled at low sampling rate), buffer 124, and cable I/O interface 126 coupled to EE1394 bus medium (Fig. 1, col.2, lines 2 to 19). An optical receiver (122) includes a photodiode (210) to receive the emitted optical radiation and to generate a voltage in response to the amount of optical radiation received. An Automatic Brightness Level Control (ABLC) 212, a head amplifier 220, two gain resistors 222 and 224, a coupling capacitor 226, a limiter amplifier 230 and a coupling capacitor (232) limit the amplified voltage to within a specified range to avoid saturation. A bandpass filter (BPF) 240, a filter resistor 242, a detector/comparator 250, a capacitor 252, an integrator 260, a hysteresis comparator 270, and a matching resistor 272 process received optical signal to generate output representation of the received signal (column 3 lines 66 to column 4 line 7; see Figure 2). Clearly, Shintani discloses a processor to sample the data code sequence and to generate a representation of the data code sequence from samples.

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Prunier et al. disclose a synchronizing the rising edges of signals E and P is achieved by divider (10) by a rising edge of signal E. Signal E is directed to a first input of logic gate 11 via a flip-flop 12, and signal P is directed to a second input of logic gate 11 and to a clock input of flip-flop 12. Consequently the width of each square wave C of signal E corresponds to an integer multiple of the modulation carrier, that is, of signal P. Through such a construction a falling edge of signal E is thus only transmitted to gate 11 upon occurrence of a rising edge of signal P. Thus, the output of timer 2 is set-up again to correspond to an integer multiple of the period of signal P. Such synchronization guarantees that the width of all pulses I of a same train T1, T2, or T3 is identical (column 4 lines 15 to 35; see Figures 3 to 5) in order to guarantees that a last pulse of a train is not cut-off by the falling edge of signal E and, thus, that the shape factor is respected on the entire pulse train. Clearly, Prunier et al. disclose the output digital pulse train signal S is a representation of digital pulse train signal E.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include sampling the data code sequence and generating a representative of the data code sequence from samples to be stored in the buffer in the device of Shintani et al. as evidenced by Prunier et al. because such would provide continuous data stream without unnecessarily losing data at all times, thus increasing communication reliability

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

NN

July 12, 2007

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